Date Introduced: 22 September 1983
House: House of Representatives
Presented by: Hon. M.J. Duffy, M.P., Minister for Communications

Short Digest of Bill

Purpose

To provide for collection of taxes imposed on grant of licences under the Radiocommunications Bill 1983; licences comprising frequency reservation certificates, receiver licences, transmitter licences, temporary permits and test permits.

Background

The radio frequency spectrum in Australia is currently regulated under the Wireless Telegraphy Act 1905. The single type of licence which may be granted under section 5 of that Act is of a general type. Taxes imposed on grant of such a licence are provided for by the Radiocommunications Licence Fees Act 1982.

The Radiocommunications Bill 1983 would introduce a comprehensive scheme for management of the radio frequency spectrum, covering both transmissions for communications purposes and emissions of radio frequency interference resulting from the use of other types of machinery. Five types of licence may be granted under the Bill; the necessity for five separate Bills imposing tax, and a sixth Bill providing for collection of the tax thus imposed, derives from the requirements of section 55 of the Constitution.

It is possible that there will be an overlap period during which both the Wireless Telegraphy Act 1905 and the Radiocommunications Bill 1983 will apply, in the sense that licences under the former are required and licences under the latter may be granted. In this circumstance, no tax is payable in respect of a licence issued under the new legislation, until the new legislation comes fully into force.
Main Provisions

Taxes to be collected by the Bill are imposed by five separate Bills in respect of receiver licences, frequency reservation certificates, transmitter licences, temporary permits and test permits.

In all cases, the rate of tax and the classes of equipment in respect of which grant of a licence will attract tax at various rates are to be prescribed by regulation.

Clause 8 of this Bill permits regulations to exempt from liability to tax specified classes of persons in relation to specified types of equipment. Tax is payable by the holder of the licence (clause 6). Statutory corporations are not exempt (clause 9).

Clause 3 incorporates the provisions of the Radiocommunications Bill 1983 while clause 5 applies the clauses in that Bill binding the Crown and extending the Bill to external territories.

Tax is payable on the date of grant (clause 7). However commencement provisions anticipate that for a period, part of the Radiocommunications Bill 1983 will be in effect and licences under it may be granted, prior to full commencement and corresponding repeal of the Wireless Telegraphy Act. In all five taxing Bills, the amount of tax is reduced ratably to the extent of the interim period in the case of such licences. By clause 10, the tax amount is not payable until final commencement.

For further information, if required, contact:

10 October 1983

Education and Welfare Group
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